

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

ORDER SCHEDULING SHOW CAUSE HEARING

AND NOW, upon consideration of the bankruptcy petition filed by **Escape Away Spa** on **February 23, 2009**,

AND, the Debtor appearing to be a corporation,

AND, by virtue of federal law, e.g., 28 U.S.C. §1654, courts having held that a

corporation must appear in a federal court through counsel and may not appear pro se, see, e.g.,

Palazzo v. Gulf Oil Corp., 764 F. 2d 1381, 1385-86 (11th Cir. 1985), reh'g denied, 775 F.2d 304

(11th Cir. 1985), cert. denied, 474 U.S. 1058 (1986); *Simbraw, Inc. v. United States*, 367 F.2d

^{373, 374-75 (3d Cir. 1966); *Turner v. American Bar Association*, 407 F. Supp. 451, 476 (N.D.}

Tex 1975), aff'd, 539 F. 2d 715 (7th Cir. 1976); *In re Earle Industries, Inc.*, 67 B.R. 822, 823

(Bankr. E.D.Pa 1986); Fed R. Bankr.P 9010(a), Advisory Committee Note 1983 (“[t]his

rule...does not purport to change prior holdings prohibiting a corporation from appearing pro

se"). See also United States v. Cocivera, 104 F.3d 566, 572 (3d Cir. 1996),

AND, 11 U.S.C. §327(a) authorizing a chapter 11 debtor-in-possession to employ one or more attorneys and other professionals,

AND, since the filing of the bankruptcy petition no application for employment of counsel having been filed by the Debtor,

It is therefore **ORDERED** that a hearing shall be held to consider whether this bankruptcy case shall be dismissed due to the failure of the Debtor to be represented by counsel. The hearing shall be held on March 11, 2009 at 11:00 a.m., in **Bankruptcy Courtroom No. 1, U.S. Courthouse, 900 Market Street, Philadelphia, PA 19107.**



Date: March 4, 2009

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE

cc: Escape Away Spa
210 East Street Road
Feasterville-Trevose, PA 19053